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## Reflections on the Context and Logistics of Cross-Border Partnerships

ANTHONY SOARES

### Summary:

*This paper is reproduction of thoughts shared by Anthony Soares, Acting Director of the Centre for Cross Border Studies at an event exploring cross-border cultural policy in practice, held in November 2018. It describes the discrepancy between the political context within which cross-border working operates and the practicalities of cross-border cooperation and the partnerships this entails on the island of Ireland. It describes the institutional spaces which have promoted increased and improved cooperation and cross-border working in recent years and queries how cross-border working may be taken forward and who funds it in a changing socio-political context, particularly in light of Brexit. A post-script reflecting on the piece at the time of this publication is provided by Jordana Corrigan.*

**Key words: Cross-Border; Partnerships; Good Friday Agreement; Common Chapter; Brexit; Ireland**

The Centre for Cross-Border Studies, the organisation that I represent, and which was one of those behind the creation of the North-South Social Innovation Network, has, since its foundation in 1999 dedicated itself to the promotion and support of cross-border cooperation as part of the ongoing peace and reconciliation process on the island of Ireland.

Practical, political,  
logistical context for  
cross-border  
partnerships

ANTHONY SOARES

Our experience over the last twenty years has shown that the *practice* of cross-border cooperation and the partnerships it entails can often be in dissonance with the political context in which it operates, especially when we take that political context to be at the national level.

The business of the cross-border is in many ways transgressive, going beyond neat administrative boundaries to join with another to fashion something new or to overcome a challenge shared by those living on either side of national dividing lines.

Whilst the same may not always be true at the regional or – even more so – at the local level, the policies and therefore the resources that go with them, which arise from the national political context often have difficulty keeping up with the multi-directional and multi-layered relations produced by cross-border partnerships.

There is a rationale for practical cross-border partnerships – the mutual benefits of co-creation, the sharing of resources and learning, the joint resolution of common problems – that is not dependent on (or at least not entirely) the legitimising effect of national policy.

A lot of everyday (and the not so everyday) cross-border activity has taken place without necessarily seeking to have itself inscribed into national legislation.

People here on the island of Ireland, where and when they have identified an opportunity, have engaged in cross-border cooperation, even at the height of the Troubles.

Where it makes sense this will continue to be the case.

However, there's no doubt that the political, and therefore the policy and resource context for cross-border cooperation on the island of Ireland was

Practical, political,  
logistical context for  
cross-border  
partnerships

ANTHONY SOARES

given a renewed impetus following the signing of the Good Friday Agreement, which would allow us to take greater advantage of the United Kingdom (UK) and Ireland's membership of the European Union (EU).

It would allow for the scaling-up of cross-border partnerships from the piecemeal, isolated and under-resourced, to more strategic, connected and better funded partnerships.

Strand Two of the Good Friday Agreement meant that, alongside six new dedicated North South Implementation Bodies, there was now an imperative for the newly devolved institutions in Northern Ireland to engage in cooperation with their counterparts in the other jurisdiction on the island of Ireland, most notably through the North South Ministerial Council.

This in turn meant there was renewed interest in the EU's cross-border cooperation programmes, namely INTERREG and PEACE, whose development would now be assisted by Ministers in the devolved administration in Belfast rather than UK Government ministers, working with their colleagues in Dublin and the European Commission, as well as a range of local stakeholders.

The involvement of the administrations in Dublin and Belfast in accessing EU funds for cross-border cooperation has encouraged them – in line with the EU's Cohesion Policy – to think about policy development as an exercise that in certain circumstances is best undertaken in collaboration with, and mindful of, those in the neighbouring jurisdiction.

Perhaps one of the clearest manifestations of the impulse EU policy and funding provided to the administrations North and South on the island of Ireland for collaboration in policy-making was what became known as the Common Chapter.

Practical, political,  
logistical context for  
cross-border  
partnerships

ANTHONY SOARES

This was a chapter of agreed text that appeared in Northern Ireland's Structural Funds Plan and Ireland's National Development Plan for the period 2000-2006, which identified areas of cross-jurisdictional cooperation.

Unfortunately, during that same period we saw the collapse of the devolved institutions in Northern Ireland, and when devolution was eventually restored in 2007, the experience of the shared development of a Common Chapter was not repeated.

The absence of a devolved government in Northern Ireland then – as at other times – meant the absence of meetings of Ministers of the Belfast and Dublin administrations at the North South Ministerial Council, while also requiring the introduction of emergency legislation in Westminster to safeguard the operation of the six cross-border implementation bodies set up under the Good Friday Agreement.

Therefore, whilst North-South cooperation at the *political* level may have ground to a halt following the collapse of Stormont in 2002, the six implementation bodies were able to continue their work – even if they were unable to develop new initiatives – as were EU-funded cross-border projects...

... A favourable political context wasn't there, but *the practice* of existing cross-border partnerships nevertheless carried on.

History is – to a certain extent – repeating itself.

We have no functioning Northern Ireland Assembly or Executive.

There have been no meetings of the North South Ministerial Council since December 2016.

*But*, while the political context isn't favourable, the *practice* of existing cross-border partnerships carries on.

Practical, political,  
logistical context for  
cross-border  
ISSN 2009-6208  
www.culturalpolicy.ie  
partnerships

ANTHONY SOARES

Where it makes sense, people are still engaging in cross-border cooperation.

And it appears to make sense in such a wide range of areas that – given the very nature of cross-border cooperation – they are often overlapping and interlinked, making it extremely difficult if not actually impossible for the UK's and EU's Brexit negotiators to publish a completed version of their joint mapping exercise of areas of North-South cooperation *which*, at the last count, had apparently reached 142.

In some ways it would be preferable for them never to complete this task, as coming to a definitive number on the areas of cooperation would place an artificial limit on the richness of cross-border partnerships.

*But*, of course, looming ever larger on the horizon is the UK's imminent departure from the EU.

So...

...while after March 2019<sup>1</sup> there may still be a rationale for people and organisations to cooperate across the border and to form cross-border partnerships, the post-Brexit context may present us with significant challenges to *how* we take that cooperation forward, not least in terms of *who* funds it.

Nevertheless, those potential challenges should not prevent us from continuing with existing cross-border partnerships or, where it makes sense and opportunities are identified, to establish new ones.

Indeed, I would argue that it's *essential* at this time that we don't retreat from cooperating with each other across the border.

And I say this based on some core principles.

One of these is the fact that the draft Withdrawal Agreement's Protocol on Ireland and Northern Ireland makes specific provisions for the post-Brexit continuation of North-South cooperation.

Another is the repeated offer made by the EU to support the post-Brexit continuation of its funding for cross-border programmes on the island of Ireland.

But perhaps most importantly of all, the Good Friday Agreement, of which the UK will continue to be a co-guarantor whatever its relationship to the EU, has established the framework and impetus for North-South and cross-border cooperation.

We need to make maximum use of that framework and ensure we advocate wherever necessary for the appropriate mechanisms to be in place for its smooth operation.

That is why, to give you one concrete example, we at the Centre for Cross Border Studies have been making clear that the UK Government's proposals for a UK Shared Prosperity Fund to replace EU Structural Funds must include a cross-border dimension.

To retreat *now* from existing cross-border partnerships or the creation of new ones would be to relieve certain politicians and decision-makers from the need to think about the cross-border dimensions of policy development, or even to make the path smoother for those who have always been inimical to the idea of North-South cooperation to place obstacles in our way.

To retreat *now* from cross-border cooperation would be to risk seeing it survive Brexit in fossilised form through the formal institutions under Strand Two of the Good Friday Agreement, with the loss of the full richness of cross-border partnerships that provide the lifeblood of the 1998 Agreement.

Practical, political,  
logistical context for  
cross-border  
partnerships

ANTHONY SOARES

ISSN 2009-6208  
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Now is the time for us to be brave and to lead in the creation of the cross-border partnerships that will make the policy and the resources follow.

Cross-border cooperation and partnerships will *still* make sense, so let's not turn our backs on each other.

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### Commentary

JORDANA CORRIGAN

At the time that this speech was delivered in November 2018 the UK had been expected to leave the European Union on the 29<sup>th</sup> of March 2019. Subsequently, there have been two extensions to Article 50 granted, pushing the exit date to the 31st of October 2019. During the intervening period there has been a change of leadership with Boris Johnson elected as leader of the Conservative Party, replacing Theresa May as Prime Minister. There have also been three unsuccessful attempts by the UK Parliament to approve the agreed Withdrawal Agreement. The events which have transpired have resulted in increasing uncertainty as to whether an agreement can be reached, and concerns that a no-deal Brexit could become a reality.

Brexit is a process rather than an event (Rogers, 2019) which creates new problems for the institutions and processes of territorial governance to deal with, including how to implement the changes that Brexit itself requires (Mullen, 2019). This is further compounded by the absence of a functioning Northern Ireland Assembly or Executive.

Practical, political,  
logistical context for  
cross-border  
partnerships

ANTHONY SOARES

This piece contributes to our understanding of how institutional spaces have evolved to promote increased and improved cooperation and cross-border working in recent years. The Good Friday Agreement and mutual membership of the EU allowed for the scaling-up of informal cross-border relations to more strategic, better funded and resourced partnerships.

However, the question which now arises is how do we take cross-border working forward and who funds it in a changing socio-political context? The experience to date identifies some opportunities to harness and develop this valuable cross-border work, for example, as recommended in this contribution, the inclusion of a cross-border dimension to the UK Government's proposals for a UK Shared Prosperity Fund to replace EU Structural Funds. The contribution also refers to the Common Chapter which was a successful collaboration in policy-making prompted by joint-working under EU policy and funding.

The Houses of the Oireachtas Joint Committee on Rural and Community Development Report *Brexit and the Border, The Impact on Rural Communities* (July 2019) outlines thirteen recommendations, one of which is the adoption of a 'Common Charter for Co-operation'. The report describes the charter as a 'framework to drive North-South and East-West community co-operation from a grassroots level' (Oireachtas 2019, p. 16). This recommendation has been developed as a result of the work carried by the Centre for Cross Border Studies who have engaged in a process of consultation with community organisations from Northern Ireland and the Republic of Ireland. It recognises the importance of understanding the place-based contexts that shape successful cross-border and cross-boundary cooperation and that communities must set their own priorities and advocate for their inclusion in regional and local strategies. This will allow for communities to shape policy at local and regional level, encouraging productive relationships which can identify and exploit north-south and east-west cooperation for the betterment of communities (Centre for Cross Border Studies, 2019).

Practical, political,  
logistical context for  
cross-border  
partnerships

ANTHONY SOARES

Institutions are important to underpin the trust required for cross-border working and those found at local and regional scale along the border have a significant role to play in building grassroots community cooperation and improving policymaking to solve shared problems and promote the best use of common resources.

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<sup>i</sup> The UK and EU27 agreed to extend Article 50 until 31 October 2019 at a meeting of the European Council in April 2019.